

**UNITED STATES DISTRICT COURT
NORTHERN DISTRICT OF NEW YORK**

JUDGMENT IN A CIVIL CASE

Marvin Whitley

Plaintiff

vs.

CASE NUMBER: 5:13-cv-421 (DEP)

Commissioner of Social Security

Defendant

Decision by Court. This action came to a hearing before the Court. The issues have been heard and a decision has been rendered.

IT IS ORDERED AND ADJUDGED

That the final decision of the Commissioner be and hereby is REVERSED, and the matter is REMANDED to the Defendant for this further administrative action. It is further ORDERED that the within matter, be and hereby is, DISMISSED in accord with the decision in *Melkonyan v. Sullivan*, 501 U.S. 89 (1991).

All of the above pursuant to the order of the Honorable Judge David E. Peebles, dated the 17th day of January, 2014.

DATED: January 17, 2014

Lawrence A. Baum
Clerk of Court

By: s/ Nicole Killius

Deputy Clerk